

Minutes of the Centerville **City Council** meeting held Tuesday, January 18, 2022, at 7:10 p.m. with participants present at Centerville City Hall, 250 North Main Street, and via Zoom.

MEMBERS PRESENT

Mayor	Clark Wilkinson
Council Members	Gina Hirst William Ince George McEwan Robyn Mecham Spencer Summerhays

STAFF PRESENT

Brant Hanson, City Manager
Lisa Romney, City Attorney
Jennifer Hansen, City Recorder
Cory Snyder, Community Development Director
Nate Plaizier, Finance Director
Bryce King, Recreation Coordinator
Jacob Smith, Administrative Services Director
Lt. Allen Ackerson, Centerville Police Department
Mike Carlson, Public Works Director
Mike Higgins, Parks and Recreation Supervisor

VISITORS

Zach Swenson, CW Urban

PRAYER OR THOUGHT

Councilmember Ince

PLEDGE OF ALLEGIANCE

OPEN SESSION

Blaine Randall, Centerville resident, expressed disappointment with The Mayor's Initiative on Wellness/Centerville Cares with regards to a donation given.

PUBLIC HEARING – ZONE MAP AMENDMENT – 553 SOUTH ISLAND VIEW DRIVE – ANDREW SCHMUCKER

Centerville City recently agreed to allow the Schmuckers to purchase a small portion of land the City owned and add it to their property/lot on Island View Drive. Community Development Director Cory Snyder answered questions from the Council regarding the proposed rezone of the tract to be purchased to the same zone as the lot owned by the Schmuckers (Public Facility-Low to Residential Low). He reported distance to the gas pipeline on City-owned property was reviewed by the City Engineer.

Mayor Wilkinson opened a public hearing at 7:09 p.m., and closed the public hearing seeing that no one wished to comment. Councilmember McEwan **moved** to approve Ordinance No. 2022-02 approving Zoning Map Amendment for property located at approximately 553 South 850 East from Public Facility-Low (PF-L) to Residential Low (R-L). Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

BOUNDARY LINE ADJUSTMENT – QUITCLAIM DEED – ANDREW SCHMUCKER

City Attorney Lisa Romney reported that all tasks required for the boundary line adjustment related to the purchase of approximately 3,000 square feet of City property by the Schmuckers were completed. She said staff recommended approval of the Quitclaim Deed.

Councilmember Summerhays **moved** to approve the Quitclaim Deed for transfer of City property to Andrew and Janet Schmucker and authorize the Mayor to sign the deed on behalf of the City, subject to minor edits by staff and subject to final approval and recording of the exchange of title, amended final plat, vacation and relocation of easements, and rezone of the subject property. Councilmember Hirst seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – FINAL SUBDIVISION PLAT – THE LANE – 644 WEST 400 SOUTH

Mr. Snyder explained that The Lane project consisted of 12 single-family units on a parcel along Porter Lane. The project already received a Final Site Plan Approval to finalize the layout and design for the related planned unit development (PUD). The project also received both conceptual and preliminary subdivision approvals from the City. The final development step consisted of Final Subdivision Plat and Plan review in preparation for recording the subdivision plat with the Davis County Recorder's Office. Mr. Snyder said staff and the Planning Commission recommended approval. Staff answered questions from the Council. Councilmember Summerhays asked about reference to UDOT in an email communication included in the Staff Report. Mr. Snyder said he was not aware that any communication with UDOT would need to occur related to the nearby flood plain. He stated Davis County did not require a flood area permit for the project.

Zach Swenson with CW Urban, representing the applicant, commented that a single-family home was currently present on the corner of the site, and expressed the opinion that single-family homes would mesh well with the Residential Medium Zoning.

Mayor Wilkinson opened a public hearing at 7:25 p.m., and closed the public hearing seeing that no one wished to comment. Staff suggested the Council could add a condition directing staff and the applicant to address any UDOT issues mentioned in the Carl Hanson email from October 19, 2021.

Councilmember Ince **moved** to approve the Final Subdivision Plat and Plan for The Lane Subdivision, subject to staff confirming that no UDOT approval was needed. Councilmember Summerhays seconded the motion, which passed by unanimous vote (5-0).

STORM WATER FACILITIES MAINTENANCE AGREEMENT – THE LANE SUBDIVISION – 644 WEST 400 SOUTH

Ms. Romney presented a Storm Water Facilities Maintenance Agreement for The Lane Subdivision required in accordance with the UPDES Permit for MS4 Systems, which required the City to provide a regulatory mechanism for post-construction storm water control measures on private properties that discharged into the City's MS4 System. The Agreement would be recorded against the subject property and would run with the land as an ongoing obligation. The Agreement would require the property owner to provide the City with an annual maintenance certification.

Councilmember McEwan **moved** to approve the Storm Water Facilities Maintenance Agreement as presented and recorded. Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

**PUBLIC HEARING – ZONING TEXT AMENDMENT – RESIDENTIAL DEVELOPMENT
STANDARDS – CHAD MORRIS**

Mr. Snyder explained that the proposed Zoning Ordinance Text Amendment would apply to all Residential Medium (R-M) Zones throughout the City, not just to the applicant's current development project. The proposed Amendment would:

- Increase R-M Permitted Density to 8 units per acre (currently capped at 6 units per acre).
- Alter internal sidewalk rules to allow an exception.
- Reduce private lane width to 26 feet (currently 27 feet).

The Planning Commission reviewed the proposed Zoning Text Amendment on December 8, 2021, and recommended denial to the City Council. Mr. Snyder said he did not recommend changing the permitted density without a more in-depth review of possible impacts. He explained that curb and gutter would need to be engineered differently for a 26-foot private lane width to allow emergency vehicle access, and said the City Engineer recommended against the proposed reduction. Mr. Snyder said an alternative sidewalk system was granted with the conceptual plan for the applicant's development project, taking advantage of flexibility already included in the Zoning Ordinance.

Councilmember Mecham commented that R-M density was limited to a permitted six units per acre because R-M development in Centerville was usually occurring behind existing residential backyards as infill, and the Council believed more than six units per acre was not appropriate for that type of development. She said she was not in favor of increasing to eight units per acre at that time.

Mayor Wilkinson opened a public hearing at 7:49 p.m., and closed the public hearing seeing that no one wished to comment. Councilmember Summerhays referred to a petition signed by community members and submitted to the Planning Commission that noted R-M density higher than six units per acre was not compatible with surrounding single-family dwellings. He pointed out that 17 of the 32 petitioners lived in a townhome development built at a density greater than six units per acre. Councilmember Summerhays said he believed there was a disconnect in public education with relation to density. He stated he did not think it was the right time to implement the proposed change, and said he did not think it was good practice to implement change that would apply to the entire City without consideration of other properties. He mentioned the planned update of the General Plan as an appropriate time to consider change. Councilmember Summerhays commented that people "felt" net density more than gross density.

Responding to a question from Councilmember Hirst, Mr. Snyder said he could not comment on the applicant's motivation for the requested amendments. The applicant was not in attendance. Councilmember McEwan said he was interested in seeing the impact of the ADU Ordinance mandated by the State before making a decision about increased density.

Councilmember Summerhays **moved** to deny Zoning Code Amendments to various residential development standards set forth in CZC 12.32 (Residential Zones) including proposal to increase R-M permitted density to 8 units per acre, alter internal rules, and reduce private lane minimum width to 26 feet. Councilmember Ince seconded the motion, which passed by unanimous vote (5-0). Councilmember McEwan commented that density was an emotional conversation for many in the community.

DEVELOPMENT OF NEW CEMETERY DISCUSSION – BALLOT PROPOSITION NO. 1
(2021)

On August 3, 2021, the City Council voted in favor of a special bond election to be held on November 2, 2021, for the purpose of submitting to the qualified electors of Centerville City a proposition regarding the issuance of general obligation bonds for development of a second City cemetery. Ballot Proposition No. 1 passed with 56% approval, approving the issuance of up to \$7,000,000 general obligation bonds.

City Manager Brant Hanson explained that a new cemetery would require addition of at least one full-time position in the Parks Department (\$65,000-\$80,000 per year), and potentially addition of new capital equipment. Mr. Hanson commented that the Council was not obligated to develop a new cemetery.

Finance Director Nate Plaizier presented a cemetery profitability analysis. In a 5-acre cemetery, approximately 4,084 plots would be available for sale (approximately \$600 per plot assumed). The analysis was put together with the aggressive assumption that all plots would be sold within 50 years.

Year	1	10	20	30	40	50
Est. number of plots sold	82	817	1,634	2,450	3,267	4,084
General Fund Revenue	\$49,005	\$490,050	\$980,100	\$1,470,150	\$1,960,200	\$2,450,250

Mr. Hanson explained that actual profit would be contingent on policy decided by the Council regarding burial space pricing, availability to purchase any time or only at time of need, and availability to residents versus non-residents. Mr. Plaizier said cost to build a 5-acre cemetery was estimated at \$1,000,000 per acre. Councilmember Ince said he believed the City made a mistake in the past by not staying current with pricing. He said he believed the City needed to encourage purchase of double-depth burial spaces. Councilmember Mecham said she believed the Council should authorize staff to proceed with approaching individuals regarding purchase of potential cemetery property.

Mayor Wilkinson said he believed citizens needed to understand that the development cost of \$5,000,000 may not be recouped solely from plot sales. Mr. Hanson commented that plot sale revenues may need to go toward operation of the new cemetery, not toward paying off the bond. Councilmember McEwan expressed the opinion that the Council needed to honor the opinion expressed in the majority vote that passed the ballot proposition. Councilmember Mecham said she did not think she would be willing to use eminent domain for a new cemetery. Mr. Hanson suggested the City hire a land acquisition agent if the Council were to decide to use eminent domain for certain parcels. Councilmember Hirst said she would not be willing to use eminent domain for an optional item like a cemetery. Councilmember Ince said he believed eminent domain for a small piece of property to provide access to a property willingly sold for cemetery space would be a different question than using eminent domain to obtain 5-acres for a cemetery. He said he believed use of eminent domain would be unlikely, but he was not willing to reject the concept completely. Councilmember Summerhays said he appreciated Councilmember Ince's point of view. He said although he was generally against using eminent domain, he appreciated there may be a nuanced situation.

Councilmember McEwan said he did not see any difference between using eminent domain for a road and using eminent domain for a cemetery because they were both public facilities to support the people. Councilmember McEwan said he did not believe they would find five contiguous acres in Centerville that were optimal for cemetery purposes without the use of

1 eminent domain. He spoke in favor of acting sooner rather than later because of increasing
2 interest rates and construction/development costs.

3
4 Councilmember Ince said he would like to see a comparison of costs at private cemeteries
5 as well as municipal cemeteries. Mr. Hanson repeated his suggestion to employ a land acquisition
6 consultant, and said he would like to put out an informal RFP to gauge cost and interest.
7 Councilmember McEwan stated he would not be opposed to using eminent domain for the entire
8 acreage. He said he believed the Council needed to be clear on their expectations regarding
9 eminent domain before engaging a consultant.

10
11 Councilmember Ince suggested the Council table the discussion and continue at the next
12 Council meeting to provide an opportunity to think about what had been said. Mr. Hanson said he
13 would come to the next meeting prepared to give an estimate of the cost of a consultant.
14 Councilmember Summerhays requested a prioritization of capital infrastructure needs for the next
15 10-15 years to be able to weigh opportunity costs. Ms. Romney advised against making a decision
16 regarding eminent domain without information about the type of properties available. She
17 expressed support for the suggestion to hire a consultant to help with the purchase.
18 Councilmember McEwan said he believed rules of engagement were needed for the process.

19 20 **JUSTICE COURT STAFFING**

21
22 Administrative Services Director Jacob Smith explained the request to transition one part-
23 time clerk position to one full-time clerk position, increasing the hours from 24 hours a week to 40
24 hours a week, while reducing the hours of the other part-time clerk position from 24 hours a week
25 to eight hours a week to assist on court days. Mr. Hanson expressed staff support, and said Judge
26 Miller had expressed support for the proposed staffing change.

27
28 Councilmember Ince **moved** to approve Court Staffing changes as outlined.
29 Councilmember Hirst seconded the motion, which passed by unanimous vote (5-0).

30 31 **EXTENSION OF EMERGENCY PAID SICK LEAVE FOR COVID-19 RELATED LEAVE**

32
33 City Manager Brant Hanson explained that the Families First Coronavirus Response Act
34 (FFCRA) of 2020 required employers to provide employees with paid sick leave and expanded
35 family and medical leave for specified reasons related to COVID-19. The FFCRA emergency paid
36 sick leave provisions were in effect from April 1, 2020 through December 31, 2020. On January
37 19, 2021, the City Council adopted Resolution No. 2021-03 voluntarily extending the emergency
38 paid sick leave for City employees until July 1, 2021. Mr. Hanson stated staff recommended
39 extending emergency paid sick leave as previously provided under the FFCRA, subject to certain
40 terms and conditions, for up to 80 hours of paid sick leave for COVID-19 related reasons. The
41 extension of the emergency paid sick leave was proposed to be retroactive to July 1, 2021 and
42 extend through December 31, 2022. Employees would only be eligible for a maximum of 80 hours
43 of emergency paid sick leave for the applicable effective dates of April 1, 2020 through December
44 31, 2022.

45
46 Councilmember McEwan asked why the City would extend COVID-19 related emergency
47 sick leave, being on the cusp of moving from pandemic to endemic, with current behavior patterns
48 and the lack of masking. Mr. Hanson said staff would like the emergency sick leave extended at
49 least through the end of June 2022 to get through the current peak. Councilmember McEwan
50 expressed the opinion that COVID-19 variants were going to be an ongoing part of society, and
51 questioned whether they should set a precedent of carving out 80 hours of COVID-19 related sick
52 leave on an ongoing basis.

1 Councilmember Summerhays expressed support for an extension through June 30, 2022.
2 Responding to a question from Councilmember Ince, Councilmember McEwan stated the State
3 had not extended the emergency sick leave for State employees, who were required to use their
4 own personal leave. Mr. Hanson said he did not want sick employees coming to work and
5 spreading COVID-19 through City departments. He said he did not believe the City had any
6 employees who had taken excessive advantage of the benefit. Councilmember Summerhays said
7 he would not want to put any City employees in a position of having to either get a paycheck or
8 risk getting everyone at work sick.
9

10 Public Works Director Mike Carlson said three of his staff were out with COVID-19 at that
11 time. He spoke of the work and training the sick employees were doing from home. Mr. Carlson
12 expressed support for the proposed extension of emergency sick leave as a cushion. He said he
13 wanted his staff to be safe, and did not want them returning to work before they were well.
14 Community Development Director Cory Snyder spoke of risks employees in his Department took
15 interacting with individuals every day. He said individual employee banks of leave had been
16 reduced with heightened caution regarding symptoms. Mr. Snyder said he did not want
17 employees returning to work too early just because they had run out of leave before their
18 mandatory five-day quarantine was over. Councilmember Mecham said she agreed. She said she
19 was comfortable extending emergency sick leave through June 30, 2022, considering money the
20 City had received from the federal government for COVID-19 related expenses.
21

22 Councilmember Summerhays **moved** to approve Resolution No. 2022-05 extending the
23 emergency paid sick leave provisions of the FFCRA from July 1, 2021 through June 30, 2022.
24 Councilmember McEwan seconded the motion, which passed by unanimous vote (5-0).
25

26 The Council took a break at 9:32 p.m., and returned at 9:46 p.m.
27

28 **FINANCIAL REPORT**

29

30 Finance Director Nate Plaizier presented a quarterly financial report for the period ending
31 December 31, 2021. He explained use of American Rescue Plan Act (ARPA) funds, and
32 answered questions from the Council. Mr. Carlson gave an update on the possibility of a grant for
33 construction of a new water tank.
34

35 **PROPOSED STAFF REPORT AND AGENDA TEMPLATES FOR TRANSITION TO** 36 **CIVICCLERK MEETING AGENDA SOFTWARE**

37

38 City Attorney Lisa Romney reported staff had worked with CivicClerk to prepare new
39 templates for Agendas and Staff Reports as part of the City's transition from NovusAgenda to
40 CivicClerk for the agenda software platform. She asked for Council feedback regarding agenda
41 templates and City logo. A majority of Councilmembers indicated approval for using the newer
42 City logo that was used on the City website.
43

44 **CITY COUNCIL APPOINTMENTS TO BOARDS AND COMMITTEES**

45

46 The Council reviewed a list of City Council appointments to outside agency boards and
47 committees for 2022 prepared by Mayor Wilkinson. He requested a trade with Councilmember
48 Summerhays assigned to the South Davis Recreation District and himself to the Wasatch
49 Integrated Waste Management District Board.
50

51 Councilmember Summerhays made a **motion** to adopt Resolution No. 2022-04 with
52 Councilmember Gina Hirst as 2022 Mayor Pro Tem, and switching Councilmember Summerhays
53 to the South Davis Recreation District and Mayor Wilkinson to the Wasatch Integrated Waste

1 Management District Board. Councilmember Ince seconded the motion, which passed by
2 unanimous vote (5-0).
3

4 **SUMMARY ACTION**

- 5
6 1) Bond Reduction #5 (Final – No Warranty) for Oakridge Assisted Living in the amount
7 of \$1,000
8 2) Ratification of Chase Lane Street Rebuild Project Award – Advanced Paving for a bid
9 of \$219,188.00
10 3) Purchase of shoplift upgrade equipment for Public Works in the amount of \$59,941.71
11

12 Public Works Director Mike Carlson answered questions about the Chase Lane Street
13 Rebuild Project. Councilmember Ince **moved** to approve the three items on the Summary Action
14 Calendar. Councilmember Mecham seconded the motion, which passed by unanimous vote (5-
15 0).
16

17 **MINUTES REVIEW AND ACCEPTANCE**

18
19 Minutes of the January 4, 2022 Council meeting were reviewed. Councilmember Hirst
20 **moved** to accept the minutes. Councilmember Mecham seconded the motion, which passed by
21 unanimous vote (5-0).
22

23 **CITY COUNCIL REPORT**

24
25 Councilmember Hirst spoke of Utah's Coordinated Action Plan for Water and asked if the
26 City was keeping up with infrastructure funding. She expressed the opinion that the balance in
27 the Water Enterprise Fund was too low, and commented that road maintenance had not been
28 funded at the level necessary to get the desired lifespan from City roads. She said she hoped the
29 Council would continue to find solutions to protect existing infrastructure rather than kick the can
30 down the road. Councilmember Hirst commended City staff and said she believed staff had done
31 a lot with the resources given.
32

33 **MAYOR'S REPORT**

- 34
35 • Mayor Wilkinson spoke of recent League of Cities and Towns training.
36 • The Mayor reported on a recent South Davis Metro Fire District Board meeting.
37 • Mayor Wilkinson provided an update regarding CenterPoint Legacy Theatre Board.
38 • Mayor Wilkinson said he would have several appointments to present to the Council
39 at the next meeting.
40

41 **CITY MANAGER'S REPORT**

- 42
43 • Mr. Hanson said a work session/Council retreat would be scheduled soon.
44 • Mr. Hanson provided an update regarding COVID-19 protocols at the Department
45 level.
46 • The City Manager posed the question of whether the Water Fund should be paying for
47 the Chase Lane Rebuild Project.
48

49 **ADJOURN**

50
51 At 10:53 p.m., Councilmember Ince **moved** to adjourn the meeting. Councilmember
52 Mecham seconded the motion, which passed by unanimous vote (5-0).
53

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2
3
4 Jennifer Hansen
5 Jennifer Hansen, City Recorder
6

2-4-2022
Date Approved

7
8 Katie Rust
9 Katie Rust, Recording Secretary
10

